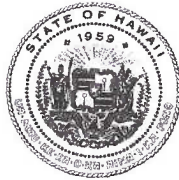


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STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 12, 2015  
2:45 p.m.  
State Capitol, Room 229

**S.B. 1180**  
**RELATING TO METROPOLITAN PLANNING ORGANIZATIONS**

Senate Committee(s) on Transportation  
and Public Safety, Intergovernmental & Military Affairs

The Department of Transportation (DOT) **supports the intent** of this bill. However, we have concerns with the bill as it is currently written.

First, the DOT supports the intent of the bill as it takes steps to address federal corrective actions to allow Oahu Metropolitan Planning Organization (OahuMPO) to maintain its federal certification as the metropolitan planning organization for Oahu. Through the review process, the DOT's primary concern has been that the bill does not fulfill the corrective actions from the TMA Certification Review, Final Report, 9/26/14 (Certification Review). We understand that the OahuMPO Policy Committee and FHWA Hawaii Division office believe the bill sufficiently addresses the corrective actions.

Second, the DOT has serious concerns with the financial elements proposed by the bill. These are not part of the corrective actions outlined in the Certification Review. The DOT's concerns include:

- Section 1, Item 3(c)(6) allows the OahuMPO to establish banking accounts with federally regulated financial institutions. Section 1, Item 5(a) and Section 2, Item a(28) establish a special fund, which according to Section 1, Item 5(b) shall be administered by the OahuMPO. The DOT recommends clarification on the establishment and authority of these accounts and special fund.
- The DOT recommends clarification on Section 1, Item 5(ii) regarding what revenues the OahuMPO will generate.
- Section 1, Item 5 establishes a special fund to be administered by the OahuMPO. Section 1, Item 5(a) states that \$500,000 of seed funding will be deposited into this special fund. The DOT has concerns because no justification is provided and it is not clear how the amount of \$500,000 was determined.
- Section 1, Item 8 establishes member financial dues. Currently, the funds provided by members have always been tied to the Overall Work Program. As currently written, the bill does not specify what these member dues will be used for nor does it provide a process for determining the amount of the dues. Section 1, Item 8(d)

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specifically states "Member financial dues received by a metropolitan planning organization shall not be specific to or intended to fund individual elements of any unified planning work program."

- Section 1, Item 8(b) states "Member financial dues paid to a metropolitan planning organization by its member jurisdictions or authorities for purposes of matching federal aid financing shall not lapse or expire." This contradicts the Department of Budget and Finance policy that unused dues or unexpended balances are to be returned or used to offset future dues.
- Section 1, Item 8(c) states that "Notwithstanding any provision to the contrary, member financial dues charged to the State may be paid from the state highway fund." The DOT is concerned as it seems to imply that the DOT will be the only member paying dues.

Finally, the DOT acknowledges that the OahuMPO requires a certain level of autonomy to carry out the transportation planning process. However, per administrative assignment, HDOT has oversight responsibility to ensure OahuMPO is compliant with State statutes, Administrative Rules, and policies. However, several sections of the bill create confusion regarding this. For example, Section 1, Item 7(a) states "Each policy board shall appoint a full-time executive director of the metropolitan planning organization who shall be independent of state and county agencies." To clarify these administrative assignment responsibilities, roles, and procedures and to ensure the Federal requirements are carried out, an Administrative Agreement between the DOT and OahuMPO is necessary. In addition, because of the clarification needed on administrative assignment, the DOT recommends that all content related to administrative assignment should be removed so that the bill moves forward and the corrective actions are addressed.

The following chapters of the Hawaii Revised Statutes provide more information on administrative assignment:

HRS 26 Executive and Administrative Departments  
HRS 36 Management of State Funds  
HRS 37 Budget  
HRS 40 Audit and Accounting  
HRS 76 Civil Service Law  
HRS 103 Contracting  
HRS103D Procurement

Thank you for the opportunity to provide testimony.

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**nishihara1 - Amanda**

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**From:** OIP <oip@hawaii.gov>  
**Sent:** Thursday, February 12, 2015 2:08 PM  
**To:** PSMTestimony; TRA Testimony  
**Subject:** RE: Testimony on SB1180; TRA-PSM Hrg 2/12/15 @ 2:5pm, Rm #229  
**Attachments:** OMPO's Proposed Changes to SB\_1180 With OIP's Input.docx

Attached is the proposed language that should have been attached to the testimony that our office submitted yesterday.

Thank you.

Office of Information Practices  
State of Hawaii  
No. 1 Capitol District Building  
250 S. Hotel St., Suite 107  
Honolulu, Hawaii 96813  
Tel.: 808-586-1400  
Fax: 808-586-1412  
E-mail: [oip@hawaii.gov](mailto:oip@hawaii.gov)  
Web site: <http://oip.hawaii.gov>

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**From:** OIP  
**Sent:** Wednesday, February 11, 2015 3:05 PM  
**To:** 'PSMtestimony@capitol.hawaii.gov'; 'TRAtestimony@capitol.hawaii.gov'  
**Subject:** Testimony on SB1180; TRA-PSM Hrg 2/12/15 @ 2:5pm, Rm #229

Attached is testimony on SB1180.

Thank you.

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State of Hawaii  
No. 1 Capitol District Building  
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## Proposed Changes to S.B. 1180

January 29, 2014

### Alternative 1:

§ -9 Meetings. (a) Notwithstanding any law to the contrary, meetings of policy boards, advisory committee, or subcommittees shall be subject to part I of chapter 92.

(b) Participation by members of any other board in a meeting of a policy board shall be a permitted interaction as provided in section 92-2.5(h).

(c) Less than a quorum of policy board members may discuss metropolitan planning organization business, without limitation, outside of a duly noticed meeting of the policy board.

(d) A majority of the membership of a policy board or committee of a policy board shall constitute a quorum to do business.

### Alternative 2:

§ -9 Meetings. (a) Notwithstanding any law to the contrary, meetings of policy boards, advisory committee, or subcommittees shall be subject to part I of chapter 92.

(b) Participation by members of any other board in a meeting of a policy board shall be a permitted interaction as provided in section 92-2.5(h).

(c) No more than two members of the state senate and two members of the state house of representatives may serve on a policy board, provided that those members may discuss policy board business, without limitation, outside of a duly noticed meeting of the policy board.

(d) A majority of the membership of a policy board or committee of a policy board shall constitute a quorum to do business.

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February 12, 2015  
Senator Clarence Nishihara,  
Chair Transportation Committee

**Testimony Supporting SB1180**

Aloha,  
Hawaii Bicycling League **supports SB1180**. Federal transportation funding is crucial for transportation infrastructure improvements and maintenance, including bicycle and pedestrian facilities. The most recent OahuMPO Certification Review makes clear that if action is not taken to bring Hawaii state law into compliance with federal requirements that our state's federal transportation funding is at stake. SB1180 embodies these needed changes.

Thank you very much for considering the comments of Hawaii Bicycling League. If you have any questions or would like to discuss further, please contact Chad Taniguchi (808-735-5756, [chad@hbl.org](mailto:chad@hbl.org)) or Daniel Alexander (808-275-6717, [Daniel@hbl.org](mailto:Daniel@hbl.org)).

Ride and Drive Aloha,

Chad Taniguchi  
Executive Director  
Hawaii Bicycling League

Daniel Alexander  
Advocacy Director  
Hawaii Bicycling League

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nishihara1 - Amanda

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 12, 2015 10:12 AM  
**To:** TRA Testimony  
**Cc:** rpoirier3@msn.com  
**Subject:** Submitted testimony for SB1180 on Feb 12, 2015 14:45PM

**SB1180**

Submitted on: 2/12/2015

Testimony for TRA/PSM on Feb 12, 2015 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Poirier	Individual	Comments Only	No

Comments: Date: February 12, 2015 To: Senator Clarence K. Nishihara, Chair Senator Breene Harimoto, Vice Chair Committee on Transportation Senator Will Espero, Chair Senator Rosalyn H. Baker, Vice Chair Committee on Public Safety, Intergovernmental and Military Affairs From: Dick Poirier, Chair Mililani/Waipio/Melemanu Neighborhood Board No. 25 Subject: SB1180 As a long-time member of the Citizens Advisory Committee (CAC) of the Oahu Metropolitan Planning Organization, I support the intent of SB1180 but ask that it be amended to include a member of the Citizens Advisory Committee as a voting member of the Policy Committee. Such a modification would help insure that the views of Oahu residents are adequately recognized and represented in the deliberations of the Policy Committ Thank you for allowing me to express my views on this important issue of mutual concern.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)